

Special Town Meeting
June 19, 2014
7:00PM



Warrant and Recommendations
Submitted by the Board of Selectmen

**THE BOARD OF SELECTMEN
2014**

THOMAS BOUSSY, CHAIR

JOHN F. DEPINTO, VICE CHAIR

ANN MARIE O'NEILL, SECRETARY

ROBERT W. SWEENEY

FRANK VALLARELLI

ERIN SINCLAIR, OFFICE MANAGER

TABLE OF CONTENTS

DEFINITION OF TERMS	3
PARLIAMENTARY PROCEDURE	4
WARRANT ARTICLE RECOMMENDATIONS	5
WARRANT, MOTIONS AND RECOMMENDATIONS	6

DEFINITION OF TERMS

CHERRY SHEET – So-called because of its color, this is a balance sheet issued each year by the State. It charges our Town with its share of expenses for running various state agencies and county government. It credits our Town with its share of corporate excise tax, income tax, sales and use tax and Massachusetts School funds (State Aid). The Assessors are required to use the estimates in developing the tax rate.

APPROPRIATION – An authorization by Town Meeting to spend money for a particular purpose.

AVAILABLE FUNDS – (Sometimes called “Free Cash”) Money left over from the previous fiscal year as a result of budget under runs and/or under estimates of revenues.

GENERAL FUND – The fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

LOCAL RECEIPTS – Also called “Estimated Receipts”. Examples are motor vehicles excise tax, license and permit fees, and interest income; all of which must be “estimated” in projecting annual budget funding sources.

OVERLAY – The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements granted and avoiding fractions.

BOND ANTICIPATION NOTE (BAN) – Short-term note of a government, sold in anticipation of bond issuance. BANs are full faith and credit obligations.

RESERVE FUND – A sum appropriated at Town Meeting, not to exceed 5% of the tax levy for that fiscal year. This fund is to provide for extraordinary or unforeseen expenditures. No direct drafts against this fund can be made, but transfers from the Fund may be voted by the Finance and Advisory Board.

REVOLVING FUNDS – These accounts can contain money either from specific sources or from taxation or both. The Treasurer can draw money from these accounts without an appropriation by town meeting vote. None of these funds go to Surplus Revenue on June 30th.

PARLIAMENTARY PROCEDURE: A REFERENCE SHEET FOR TOWN MEETING

Parliamentary law is based on the premise that a deliberating body of persons is a free agent, that the will of the majority prevails, but that the rights of all members of the group are respected.

The descriptions below pertain to some major elements and rules and methods used when a meeting follows parliamentary procedure, such as a Town Meeting. It was drawn up abbreviated in this form to assist you in understanding and participating in the procedures at Town Meeting.

- 1.) A **MOTION** is a proposal that the assembly take a certain action or position. It is necessary to obtain the floor before one can make a specific motion and open it for discussion by the group. The motion must also be submitted in writing. Most motions must be seconded. (An exception would be a question of order, or an inquiry, etc.)
- 2.) **TO OBTAIN THE FLOOR** it is necessary to be recognized by the Chairperson or Moderator. One should stand, address the chair: "Mr. Moderator" and be acknowledged. The speaker should state his name and address for the record. A member who has already had the floor in debate of a certain pending question may not debate the question again, provided the floor is claimed by one who has not yet spoken on that question.
- 3.) **AN AMENDMENT** is a secondary motion, which charges the original motion somewhat (by adding or deleting a word or phrase, or substituting word or words). The amendment is voted on, the debate returns to the original motion, as amended, if the amendment is approved.
- 4.) **DEBATE** refers to the discussion of the merits of the proposal or opposition to it; sometimes the Moderator will alternate speakers for and against the motion. Debate must pertain to the immediate pending question only - - the motion on the floor. Irrelevant issues are out of order.
- 5.) **MOVE OR CALL THE QUESTION** is a motion that supersedes a previous motion and is a method to end debate. When the question has been moved, the Moderator calls for a vote to end debate; if two-thirds of the assembly votes yes, the debate is ended, and the group must then vote on the pending question. If the vote fails, debate resumes.
- 6.) **PUTTING THE QUESTION** – when the debate ends, the Moderator asks if the group is ready for the question, fully states the motion to be voted on, and then calls for the "ayes" and "nays".
- 7.) **MOVE FOR RECONSIDERATION** – A motion can only be reconsidered once, so, often at Town Meetings proponents of a motion which has passed will move to reconsider, and ask that the assembly vote no, so that the matter is closed. However, if an assembly agrees by a two-thirds vote to reconsider a proposal, the debate opens as if the previous debate has not already taken place.

**RECOMMENDATIONS
JUNE 19, 2014
SPECIAL TOWN MEETING**

#	Article Description	Board of Selectmen	Finance Board
1	Amend Chapter 15, Zoning By-Laws Section 4.18 Railroad Right-of-Way	FAVORABLE	UNFAVORABLE
2	Licensing on a month-to-month basis, Railroad Right-of-Way	FAVORABLE	UNFAVORABLE

WARRANT FOR SPECIAL TOWN MEETING

THURSDAY, JUNE 19, 2014

To either of the Constables of the Town of Stoneham in the County of Middlesex, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the **Town Hall, 35 Central Street**, on

Thursday, June 19, 2014

at 7:00 o'clock in the evening to act upon the following articles of this Warrant:

Article 1. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, Section 4.18 Railroad Right-Of-Way [Overlay] District, by amending Section 4.18, more specifically Sections 4.18.1, 4.18.2.2 and 4.18.2.3, by replacing “(i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014” with “(i) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, or (ii) October 15, 2014.” After expiration of the Railroad Right-of-Way overlay district extended hereby, the below referenced Parcels 1 and 2 will remain zoned in accordance with their underlying zoning of Recreation/Open Space District .

Further to amend the Zoning Map of the Town of Stoneham effective July 1, 2014 by replacing the current Railroad Rights-Of-Way zoning [overlay] district with the following portions of the former Railroad Right-of-Way:

(i) Approximately 1950 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50

feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford.

(Upon the expiration of the current Railroad Right-of-Way [Overlay] District for Parcels 3 – 7 shown and referenced in said plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and as a result of the above amendment of the Zoning Map of the Town of Stoneham, said Parcels 3 – 7 will after June 30, 2014 remain zoned in accordance with the underlying zoning of Recreation/Open Space District.).

Or do anything in relation thereto.

STONEHAM BIKEWAY/GREENWAY COMMITTEE

MOTION

Article 1

Move that the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, Section 4.18 Railroad Right-Of-Way [Overlay] District, by amending Section 4.18, more specifically Sections 4.18.1, 4.18.2.2 and 4.18.2.3, by replacing “(i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014” with “(i) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, or (ii) October 15, 2014.” After expiration of the Railroad Right-of-Way overlay district extended hereby, the below referenced Parcels 1 and 2 will remain zoned in accordance with their underlying zoning of Recreation/Open Space District .

Further to amend the Zoning Map of the Town of Stoneham effective July 1, 2014 by replacing the current Railroad Rights-Of-Way zoning [overlay] district with the following portions of the former Railroad Right-of-Way:

(i) Approximately 1950 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford.

(Upon the expiration of the current Railroad Right-of-Way [Overlay] District for Parcels 3 – 7 shown and referenced in said plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page

113 on December 27, 1976, and as a result of the above amendment of the Zoning Map of the Town of Stoneham, said Parcels 3 – 7 will after June 30, 2014 remain zoned in accordance with the underlying zoning of Recreation/Open Space District.)

STONEHAM BIKEWAY/GREENWAY COMMITTEE

ARTICLE 1 - THE FINANCE AND ADVISORY BOARD RECOMMENDS UNFAVORABLE ACTION.

ARTICLE 1 - THE BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION.

Article 2. To see if the Town will vote to authorize the Town Administrator to license (which shall include a use and occupancy agreement) on a month-to-month basis, the below referenced Railroad Right-of-Way land, not to extend beyond the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way (“ROW”) as a bikeway or linear park, (ii) October 15, 2014, or (iii) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, with the right of early termination by the Town Administrator, the below described parcels of said ROW, or a portion thereof, with any authorization or license entered into by the town further limited as follows: (i) no such licensed property (hereinafter referred to as “such property”) shall exceed twenty-five feet (25’) in width across the ROW; (ii) no such property shall include any land identified for use as a multi-use trail in the 75% plans submitted by Fay, Spofford & Thorndike (FST), the project engineer for the Tri-Community Bikeway (said plan on file with the Stoneham Town Clerk and hereinafter referred to as the “75% Plan”); (iii) any license shall be at no less than market rate, as determined through procedures customarily accepted by the appraising profession as valid; (iv) no portion of the ROW may be licensed to a party currently leasing or licensing said portion of the ROW, unless said party clears the area within the currently licensed parcel which is identified to be used as a multi-use trail in the 75% Plan, of all obstructions and debris, if any, and return said property to its natural state; and (v) no portion of the ROW may be licensed without the requirement of a bond sufficient in the determination of the Town Administrator to remove all obstructions and debris, if any, on said portion of the ROW or other Town property at the expiration or termination of the license, and return said property to its natural state.

Said former Railroad Right-of-Way land being as follows:

(i) Approximately 1950 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in book 13117, page 113 of December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly side said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford currently shown on the zoning map of the Town of Stoneham as residence B land.

Any funds from the license of said ROW shall be placed in the special fund for the Railroad Right-of-Way, as enacted by the Commonwealth in Chapter 102 of the Acts of 2014.

Or do anything in relation thereto.

STONEHAM BIKEWAY/GREENWAY COMMITTEE

MOTION

Article 2

Move that the Town will vote to authorize the Town Administrator to license (which shall include a use and occupancy agreement) on a month-to-month basis, the below referenced Railroad Right-of-Way land, not to extend beyond the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way (“ROW”) as a bikeway or linear park, (ii) October 15, 2014, or (iii) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, with the right of early termination by the Town Administrator, the below described parcels of said ROW, or a portion thereof, with any authorization or license entered into by the town further limited as follows: (i) no such licensed property (hereinafter referred to as “such property”) shall exceed twenty-five feet (25’) in width across the ROW; (ii) no such property shall include any land identified for use as a multi-use trail in the 75% plans submitted by Fay, Spofford & Thorndike (FST), the project engineer for the Tri-Community Bikeway (said plan on file with the Stoneham Town Clerk and hereinafter referred to as the “75% Plan”); (iii) any license shall be at no less than market rate, as determined through procedures customarily accepted by the appraising profession as valid; (iv) no portion of the ROW may be licensed to a party currently leasing or licensing said portion of the ROW, unless said party clears the area within the currently licensed parcel which is identified to be used as a multi-use trail in the 75% Plan, of all obstructions and debris, if any, and return said property to its natural state; and (v) no portion of the ROW may be licensed without the requirement of a bond sufficient in the determination of the Town Administrator to remove all obstructions and debris, if any, on said

portion of the ROW or other Town property at the expiration or termination of the license, and return said property to its natural state.

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STONEHAM BIKEWAY/GREENWAY COMMITTEE

ARTICLE 1 - THE FINANCE AND ADVISORY BOARD RECOMMENDS UNFAVORABLE ACTION .

ARTICLE 2 - THE BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION.

And you are directed to serve this Warrant by posting attested copies in at least ten (10) public places in the Town fourteen (14) days at least before the time for holding said meeting and by causing an attested copy to be published in some newspaper in the town, the publication to be not less than three (3) days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place aforesaid.

Given unto our hands this 27th day of May in the year of our Lord two thousand fourteen.

Board of Selectmen

Thomas Boussy, Chairman

John F. DePinto, Vice Chairman

Ann Marie O'Neill

Robert W. Sweeney

Frank Vallarelli

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs of the within meeting by posting attested copies of the said Warrant in at least ten (10) public places in the Town on June 2, 2014 and by publishing duly attested copy of said Warrant in the Stoneham Independent on June 11, 2014.

A true copy. Attest: _____
Constable of Stoneham